

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16 cr 147**

ORDER

THIS MATTER came before the undersigned pursuant to a Motion to Allow the Filing of The Motion to Suppress and to Dismiss the Indictment Out of Time (#16) filed by Defendant. On April 15, 2017, the Defendant filed a Motion to Suppress and to Dismiss the Indictment and Request for an Evidentiary Hearing (#12). The undersigned entered an Order (#15) on April 20, 2017 denying the motion due to the fact that the motion had been filed outside of the time limits as set forth by the Standard Arraignment Order entered in this matter. In the Order(#15), Defendant's motion(#12) was denied without prejudice and Defendant was advised that if Defendant determined to present the Motion to Suppress again, Defendant would be required to show good cause, if any exists, as to why an extension of time is necessary for the filing of the Motion to Suppress outside of the time established

by the Standard Arraignment Order.

In the Motion to Allow the Filing of the Motion to Suppress and to Dismiss the Indictment Out of Time (#16), Defendant's counsel states she became aware of various cases being litigated around the country involving "Network Investigation Techniques" or ("NIT"). Defendant's counsel then made requests of the Government for further discovery and based upon a copy of a search warrant issued in the Eastern District of Virginia, Defendant's counsel has now found what she describes as "a basis for filing his motion." Defendant's counsel further states that the late filing of the Motion to Suppress was not intended to intentionally disregard the deadlines established by the Arraignment Order and she only became aware of the Eastern District of Virginia warrant after the deadline for the filing of pretrial motions had expired. The undersigned finds that such facts establish good cause for an extension of time for the purpose of filing a Motion to Suppress and to Dismiss the Indictment and the motion of Defendant to allow the filing of the Motion to Suppress and to Dismiss the Indictment Out of Time(#16) will be allowed.

ORDERED

IT IS, THEREFORE ORDERED that the Motion to Allow the Filing of the Motion to Suppress and to Dismiss the Indictment Out of Time (#16) is **ALLOWED**. Defendant will be allowed up to and including **May 5, 2017** to file a

Motion to Suppress and supporting brief and such other motions and supporting brief as defense counsel may deem appropriate to protect the rights of Defendant.

Signed: April 23, 2017

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

